

ARCHITECTURAL CONTROL GUIDELINES

WALNUT CREEK COMMUNITY ASSOCIATION, INC.

Pursuant to the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended of the Plat and all Sections of Walnut Creek (hereinafter, the Covenants), the following Architectural and Activity Policies have been adopted as amendments to the By- Laws of Walnut Creek Community Association, Inc. (hereinafter, the Association) by its Board of Directors and are meant to ensure the long-term value, appearance and desirability of Walnut Creek. These policies are binding upon all homeowners, Lot owners, residents and guests in Walnut Creek. These policies are subject to changes or additions, from time to time, by the Architectural Control Committee (hereinafter, the Committee) and the Board of Directors of the Association. Timely compliance with the policies is the responsibility of each homeowner, Lot owner, resident and guest in Walnut Creek.

ENFORCEMENT: The Association and any Owner (individually or collectively), shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations, Architectural Control Guidelines, liens and charges now or subsequently imposed. Failure by the Association or any Owner to enforce any provisions shall in no event be deemed a waiver of the right of the Association to do so later. Where the language and provisions of the Architectural Control Guidelines and Policies differ from those of the recorded Covenants of Walnut Creek, the more stringent language and provisions shall apply. The decision of the Board of Directors shall be final regarding the interpretation of either the meaning or the intent of any of the language in these policies.

INVALIDATION: If any language or provisions of these Architectural Control Guidelines and Policies are ruled invalid by a court judgment or order, the remaining language and provisions will still be valid and remain in full force and effect. The invalidation of any part of these Architectural Control Guidelines will not affect the language or provisions of the recorded covenants of Walnut Creek.

GENERAL

According to Section 5 of the Covenants, no building, fence, deck, wall, in-ground swimming pool, or any other structure—whether temporary or permanent—shall be started, erected, or maintained on a Lot. Additionally, no exterior addition, change, or alteration may be made to a structure on a Lot until plans and specifications detailing the structure's nature, kind, shape, height, materials, and location are submitted to and approved in writing by the Committee. This approval will ensure that the structure's external design is harmonious and appropriate in relation to surrounding structures and the topography of Walnut Creek

An Architectural Control Application form can be obtained from the website, portal (if applicable) or the Property Management office. Completed applications must be submitted to the Committee through mailing, delivering, faxing, or using a portal (if applicable) to the Management office. Please ensure that all additional information necessary for a complete description of the proposed project is included, as incomplete applications will not be considered for review. Additional information may include, but is not limited to:

A detailed drawing or sketch with dimensions is required.

- Specify the type(s) and color(s) of material.
- Indicate the proposed location(s).
- Identify the party(ies) responsible for any needed construction or installation along with the required time frame.
- Additionally, provide a copy of any permits required by regulatory agencies

The Committee's approval or disapproval, as required in the covenants, shall be in writing. If the Committee fails to approve or disapprove completed applications within sixty (60) days after receipt, those plans shall be deemed approved.

POLICIES REQUIRING ARCHITECTURAL CONTROL APPLICATION AND ACTION BY OR APPROVAL FROM THE COMMITTEE

1. FENCES: Fences must meet the following specifications: they should be made of commercial-grade wood, black wrought iron, black powder-coated aluminum, or appropriate PVC (vinyl), and should not exceed four (4) feet in height for any lot. Chain-link or wire fences are specifically prohibited.

The Committee will not approve the construction or modification of any fence that, in its sole opinion, creates a sight obstruction of any lake or poses a safety hazard by obstructing visibility on any street. The finish of the fence must be paint, stain, or a natural earth tone, and it must aesthetically conform to both the home and the neighboring homes.

Fence posts must either be integral to the fence or face the interior of the fence; external fence posts are prohibited. Fences shall not extend beyond one-third (1/3) of the back line of the home. Fences used to cover air conditioning units or trash bins must be positioned one-third (1/3) of the way back towards the side of the home.

A drawing must be submitted showing the exact location of the fence request, and this is subject to Architectural Approval. Fences must be maintained in a high state of repair, with panels that are perpendicular and flush. They should be stained, painted, or treated to ensure even weathering and consistent color. Replacement panels must also be treated to match the color of the rest of the fence.

If a fence requires the replacement or repair of 50% or more of its panels, it must adhere to the Restrictive Covenants and Architectural Guidelines.

2. SWIMMING POOLS AND HOT TUBS: No permanent above-ground pool that requires a filtration system, or any above-ground pool that exceeds six (6) feet in diameter and 18 inches in depth, may be placed or maintained on any lot without prior written approval from the Architectural Control Committee, as outlined in Article V. Additionally, safety fencing must be installed at the time of installation of any type of pool or hot tub, in accordance with Article XI, Section 17. New covers must also comply with State and County laws.

3. PLAYGROUND SETS: Playground sets require approval from the Committee and are only permitted in backyards or at locations authorized by the Committee. They must not be placed on common ground or extend beyond property boundaries. The maximum height for the top platform is eight (8) feet, and the maximum length allowed is twenty-nine (29) feet. Playground sets must be constructed from heavy wood, be earth tone in color, and be kept in excellent condition. While some plastic or metal accessory parts, such as slides, may be permitted, any playground equipment made primarily or exclusively from plastic, vinyl, or metal is not allowed for outdoor use.

Playground sets must have a minimum setback of 10% from property lines (approximately seven (7) feet) and should be positioned behind the house. Additionally, playground sets that include storage areas are not allowed.

4. **FREESTANDING POLES:** No clotheslines, clothes poles, or any other freestanding, semi-permanent, or permanent poles, rigs, or devices of any kind shall be constructed, erected, placed, or used on any Lot. However, one flagpole may be erected with prior approval from the Committee, provided its height does not exceed twenty (20) feet.

5. **BASKETBALL POST and GOALS:** Plans for permanently installed basketball posts and goals must be reviewed and approved by the Committee. Basketball posts and portable goals should be freestanding, meaning they cannot be attached to the house, garage, or roof. They must be made of commercial-grade materials and positioned no more than twenty (20) feet from the dwelling. If the basketball post is located in the driveway, the backboard must be perpendicular to the street. Basketball posts should never be placed in the street.

6. **ANTENNAS and COMMUNICATION EQUIPMENT:** No radio or television antenna with an area greater than three (3) square feet, or one that exceeds a height of six (6) feet above the highest point of a residence's roof, is permitted to be attached to any home on a Lot. Homeowners wishing to install solar panels—whether attached, detached, or free-standing—must obtain approval from seventy-five percent (75%) of their neighbors through a petition to amend the association bylaws or covenants.

Freestanding radio or television antennas are not allowed, nor are freestanding satellite receiving dishes or dishes. Additionally, any satellite dish or receiving disk larger than twenty (20) inches in diameter is prohibited on any home. However, one satellite dish or disk that is less than twenty (20) inches in diameter may be attached to a home (not free-standing), provided it is positioned and installed in a manner approved by the Committee.

7. **DWELLING EXTERIOR:** Exterior additions, changes, or alterations to any dwelling shall not be commenced, erected or maintained until plans and specifications showing the nature, kind, shape, height, materials, photos of home, color samples, with color name and number, and location are properly submitted to and approved by the Committee in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in Walnut Creek.

Materials such as vinyl, shaker shingles, board and baton. When replacing Hardy-board with vinyl, shaker, or any other new material, the visible slat area must be a minimum of six (6) to seven (7) inches of visible surface, which is consistent with the neighborhood aesthetics.

Color changes must be in the same color family with the sides and back siding. If selecting a newer, more popular color(s) (i.e. navy, dark gray, dark browns, black and white combo's), home must be painted/sided the same on all sides. Front color can vary if within the same color pallet even if it a slightly darker. Dark shades on front and light sides that are not in the same color pallet will not be permitted.

Trim Colors must match around the entire house and complement the color of home. Compatibility of trim with siding and brick colors is at the discretion of the Architectural Committee.

Trim Materials Material's such as aluminum, may be used as long as the color is compatible with the home and must be consistent around the entire house.

8. **BEAUTIFICATION:** The Committee encourages landscaping and the planting of trees and shrubs. However, if landscaping or the planting of trees and shrubs could obstruct lake views or create traffic hazards, approval from the Committee will be necessary.

9. **LIGHTING:** No lighting attached to a dwelling may be located above the roof eave line. External lighting on a dwelling or any lot must not use mercury-vapor or similar lighting mechanisms. Street lighting or ornamental yard lighting powered by underground wires or cables is permitted; however, any unusual or extensive lighting designs, or changes that differ from the existing structure (including paint colors), require approval from the Committee. Flood lighting that is not attached to a dwelling must not exceed seven (7) feet in height. The Committee encourages the use of at least one light that operates from dusk to dawn to enhance neighborhood safety.

POLICIES NOT DIRECTLY INVOLVING THE COMMITTEE

10. **NUISANCE:** No noxious or offensive activities shall be conducted on the property, nor shall anything be done that may become an annoyance or nuisance to any residents or guests in Walnut Creek. Noxious or offensive activities include loud music, repetitive dog barking, obtrusive lighting, and any other disruptive behaviors that may be inconsiderate to neighbors. The use of common areas must include respect for families whose homes adjoin those areas. For instance, access to ponds should be via common ground or walkways rather than through the backyards of neighbors.

11. **STRUCTURES:** No temporary structures, such as trailers, boat trailers, trucks, commercial vehicles, recreational vehicles (RVs), camper shells, all-terrain vehicles (ATVs), camping trailers, basements, tents, shacks, storage sheds, tool sheds, garages, barns, dog houses, or any other outbuildings, are permitted on any lot or adjacent to any lot, public street, or right-of-way within the subdivision at any time. These structures cannot be used as residences, either temporarily or permanently.

In addition, no inoperable automobile may be habitually or repeatedly parked on any lot (except in a garage) or on any street. Furthermore, no trailer, boat, truck, or other vehicle, except for automobiles, may be parked on any street for more than thirty-six (36) consecutive hours, with an aggregate total not exceeding ten (10) days within a calendar year.

Additionally, no overnight parking on streets is allowed from November 1 through April 30 to ensure the efficient and safe removal of snow from the streets.

12. **OUTSIDE STORAGE:** No boat, boat trailer, recreational vehicle, motorhome, camper, camping trailer, truck, or any other wheeled vehicle is allowed to be parked outside (un-garaged) on any lot or street for more than forty-eight (48) hours at a time, or for a total of more than twelve (12) calendar days in a given calendar year.

The term "truck," as used in this section, refers to any motor vehicle designed, used, or maintained primarily for the transportation of property and rated at one ton or greater. For safety reasons and to maintain the appearance of the neighborhood, it is strongly recommended that all motor vehicles be garaged when not in use.

Lawn and garden tools and equipment should also be stored indoors when not in use. Trash barrels must be kept in garages or behind homes, and appropriate screening should be provided to ensure that trash cans are not visible from the street. Trash cans are only permitted at the front of residences when placed curbside for scheduled trash pickup.

13. No signs of any kind are allowed to be displayed to the public on any lot, except for one sign that is no larger than five square feet. This sign may be used to advertise the lot for sale or rent, or by a builder to advertise the lot during the construction and sales period.

14. ANIMALS: No animals, livestock, or poultry of any kind may be raised, bred, or kept on any Lot, except for dogs, cats, or other household pets. These pets can only be kept as long as they are not bred or maintained for commercial purposes. All approved pets must be controlled in accordance with Allen County ordinances, including leash laws. Pet owners are responsible for cleaning up any feces left on common areas, their neighbors' yards, or easements, commonly referred to as "poop scooping." To ensure cleanliness and maintain a pleasant appearance, pet owners must regularly remove feces from their own yards. Feeding wild animals is strongly discouraged.

15. DUMPING AND TRASH DISPOSAL: No lot shall be used as a dumping ground for rubbish, scrap, concrete, yard waste, or similar materials. Trash, garbage, and other waste must not be kept in the yard or at the street for more than twenty-four (24) hours prior to scheduled pickup. All trash must be placed in closed sanitary containers; closed plastic bags may be used only after the containers are full. Trash must not be allowed to blow onto streets, other lots, common areas, or into any lakes. Grass clippings should never be left on the street or sidewalk. Trash barrels must be stored in garages or behind your home. If trash cans are stored on the side of the home, appropriate screening must be provided and approved by the architectural committee to ensure that trash cans are not visible from the street.

16. TRAFFIC: The use of motorized vehicles, including but not limited to mopeds, scooters, golf carts, motorcycles, mini-bikes, go-carts, motorized three-wheelers, and ATVs, is not permitted on common areas or easements in Walnut Creek. Any motorized vehicle operating on the streets must comply with Indiana state laws and Allen County ordinances. Drivers and operators of motor vehicles must adhere to all posted speed limits within Walnut Creek.

17. HOUSEHOLD LAUNDRY: Laundry items are not allowed to be aired or dried outside a home. No clothesline, whether temporary or permanent, may be erected or maintained on any lot.

18. NO OUTDOOR FIRES: Outdoor fires for the purpose of burning leaves, grass, or other forms of trash are not permitted on any street, roadway, or lot in this subdivision, except for those related to the construction of a dwelling unit.

Approved Board of Directors
August 2023